

The Suspension/Expulsion Handbook Checklist • January, 2000

How to Suspend

- ___ Conduct an investigation: Interview pupil and witnesses, obtain sworn statements.
- ___ Call police/law enforcement, if appropriate.
- ___ Determine if pupil has or may have disabilities. Review records.
- ___ Identify all applicable offenses. (Education Code Sections 48900, 48900.2, 48900.3, 48900.4 and 48900.7).
- ___ Consider alternatives to suspension.
- ___ Hold informal conference with pupil.
- ___ Contact pupil's parent.
- ___ Send written notice of suspension to pupil and parent.
- ___ Send copy of suspension notice to superintendent's designee and, when appropriate, to special education/pupil services administrator.
- ___ Determine if behavior requires Individual Education Program (IEP) assessment review.
- ___ Consider behavior support/conduct plan.
- ___ If pupil suspended in "emergency situation," schedule conference by day two. For pupil identified with special needs, hold an IEP meeting to address behavior and assess placement.
- ___ Determine if pupil is a pupil with a disability and if cumulative days of suspension total ten days. If so, schedule an (IEP) team meeting.

When to Recommend Expulsion

- ___ Determine if violation requires a mandatory expulsion (Education Code Section 48915 (c)).
- ___ Determine if violation is a mandatory recommendation for expulsion (quasi mandatory.) Additional findings are required to recommend expulsion (Education Code Section 48915(a)).
- ___ Determine if violation is a permissive recommendation for expulsion (Education Code Sections 48900 and 48915 (b)(e)).
- ___ Determine other means of correction are not feasible or have repeatedly failed to bring about proper conduct and/or
- ___ Due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.

How to Expel Students Without Identified Special Needs

- ___ Send copy of expulsion recommendation to superintendent/designee.
- ___ Superintendent/designee schedules a meeting with the parent and the pupil to determine whether to extend the suspension.
- ___ Superintendent/designee notifies the parent and the pupil of the decision to extend the suspension, their procedural rights, and of the expulsion hearing date, if known.
- ___ Superintendent/designee arranges the expulsion hearing within thirty days and the board meeting within forty days. (Education Code Section 48918(a)).
- ___ Superintendent/designee notifies the parent in writing of the date, time and place of the hearing, the recommendation for expulsion and the procedural rights of the expulsion process.
- ___ Administrator prepares for the hearing:
 - ___ An expulsion packet of evidence, including sworn statements.
 - ___ Arrangement to secure witnesses

How to Expel Students With Special Needs

- ___ Send copy of expulsion recommendation to superintendent/designee.
- ___ Superintendent/designee schedules a meeting with the parent and the pupil to determine whether to extend the suspension.
- ___ Superintendent/designee notifies the parent and the pupil of the decision to extend the suspension, their procedural rights, and of the expulsion hearing date, if known.
- ___ Notify parent of suspension, procedural safeguards, and referral to Interim Alternative Education Setting (IAES), when appropriate, as well as notice of pre-expulsion assessment as needed.
- ___ District conducts a pre-expulsion assessment. Complete within ten school days. Include behavior assessment and analysis.
- ___ District provides written notice to parent of intent to conduct an IEP team meeting to make a manifestation determination.
- ___ Hold IEP team meeting. Review all necessary components to make manifestation determination.

- _____ IEP team determines if expulsion process can continue or makes recommendations for behavioral interventions and appropriate changes to the placement, instruction, and/or services as needed.
- _____ Superintendent/designee arranges the expulsion hearing within thirty days and the board meeting within forty days (Education Code Section 48918(a)).
- _____ Superintendent/designee notifies the parent in writing of the date, time and place of the hearing, the recommendation for expulsion and the procedural rights of the expulsion process.
- _____ Administrator prepares for the hearing:
 - _____ An expulsion packet of evidence, including sworn statements.
 - _____ Arrangements to secure witnesses

How to Expel Students Not Yet Eligible for Special Education (if parent asserts pupil is an individual with disabilities during expulsion process):

- _____ Determine if district had prior knowledge the pupil had or may have a disability.
- _____ If no prior knowledge, proceed as student without disability. Initiate evaluation if requested.
- _____ If prior knowledge, initiate evaluation. Provide notice of procedural safeguards. Continue expulsion process.

Procedural Safeguards

- _____ Superintendent/designee notifies the parent in writing of the date, time and place of the hearing, the recommendations of expulsion and the procedural rights of the expulsion process.
- _____ Parent/pupil may request a postponement for thirty days.
- _____ Parent may appeal board decision within thirty calendar days of the board's action.
- _____ Parents/pupils shall be sent the notice of procedural safeguards (parents' rights) with the notice of manifestation determination IEP.

Conducting the Expulsion Hearing

- _____ The expulsion hearing is conducted by administrative panel, board, or hearing officer.
- _____ Within three days, the panel shall decide whether to recommend the expulsion of the pupil to the board.
- _____ Board makes its final decision to expel within forty school days of the first day of suspension.
- _____ Parents are notified of board's decision.

Educational Programs for Expelled Pupils

- _____ The Board develops a rehabilitation plan and ensures an alternative education option for expelled pupil and ongoing Free and Appropriate Public Education (FAPE) for special education pupils during expulsion, determines educational program and placement for all pupils and sets readmission review date. IEP implemented with no cessation of special education instruction or services during expulsion.

Readmission

- _____ At the conclusion of term of expulsion, the pupil may apply for readmission and demonstrate that he/she has met conditions of his/her rehabilitation plan.
- _____ Board takes action to readmit or deny request for readmission.

Text of this Handbook can be located at:

[http//www.cde.ca.gov/spbranch/sed/susex.pdf](http://www.cde.ca.gov/spbranch/sed/susex.pdf)